



**Minutes of the Government Records Council
April 8, 2010 – Closed Session**

The Council convened in closed session at 10:04 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Kathryn Forsyth (designee of Acting Commissioner Bret Schundler, Department of Education) and Harlynn Lack (designee of Acting Commissioner Lori Grifa, Department of Community Affairs).

Also in attendance were GRC Staff: Executive Director Catherine Starghill, In-House Counsel Karyn Gordon, GRC Staff Secretary Brigitte Hairston, and Deputy Attorney General Debra Allen.

A motion was made by Ms. Forsyth and seconded by Ms. Lack to go into closed session. The motion was adopted by a unanimous vote.

The Council met in closed session pursuant to N.J.S.A. 10:4-12.b(7) to receive legal advice and discuss anticipated litigation in which the public body may become a party in the following matter:

(1) Jesse Wolosky v. Township of Sparta (Sussex) (2008-219) In-Camera Review

The Council reviewed the unredacted records and the Executive Director's recommendations based on the *in-camera review*. The Council members discussed the recommendations and agreed to re-schedule the adjudication of this complaint pending further investigation of the unredacted record at issue.

(2) Jesse Wolosky v. Township of Fredon (Sussex) (2009-12) In-Camera Review

The Council reviewed the unredacted records and the Executive Director's recommendations based on the *in-camera review*. The Council members discussed the recommendations and agreed that they were appropriate.

(3) Nancy Lewen v. Robbinsville Public School District (Mercer) (2008-211)

The Council discussed the Executive Director's recommendations and determined that in order to be consistent with prior decisions and the GRC's statutory authority, additional review of the complaint was necessary. Therefore, the Council re-scheduled the adjudication of this complaint until the next Council meeting.

(4) Joseph Elcavage v. West Milford Township (Passaic) (2009-07)

The Council discussed the Executive Director's recommendations and determined that the recommendations were an appropriate clarification of prior GRC and Court decisions regarding the standard for valid OPRA requests for e-mails. Therefore, the Council agreed that this complaint is ready for adjudication at this meeting.

(5) Joseph Elcavage v. West Milford Township (Passaic) (2009-08)

The Council discussed the Executive Director's recommendations and determined that the recommendations were an appropriate clarification of prior GRC and Court decisions regarding the standard for valid OPRA requests of e-mails. Therefore, the Council agreed that this complaint was ready for adjudication at this meeting.

(6) John Paff v. Township of Lawrence (Mercer) (2009-24)

The Council discussed the Executive Director's recommendations and determined that the recommendation that is complaint be administratively adjudicated because no denial of access was at issue was appropriate. Therefore, the Council agreed that this complaint was ready for administrative adjudication at this meeting.

A motion was made by Ms. Lack and seconded by Ms. Forsyth to end the closed session. The motion was adopted by a unanimous vote.

The closed session meeting concluded at 11:00 a.m.

Respectfully Submitted:

Harlynn Lack, Secretary
Dated Approved: 04/28/2010